

TERMINAL DISCLAIMER
U.S. Application Serial No.: 10/761,938
Attorney Docket No. 016472-0311710

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: Soheil SHAMS *et al.*
SERIAL NO.: 10/761,938
ATTORNEY DOCKET NO.: 016472-0311710
FILING DATE: January 21, 2004
ART UNIT: 2625 CONFIRMATION NO.: 2161
EXAMINER: Abolfazi Tabatabai
FOR: SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING
MICROARRAYS

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

The undersigned, on behalf of the petitioner, **BioDiscovery, Inc.**, represents that the petitioner, **BioDiscovery, Inc.**, is the owner of the entire right, title and interest of:

- (1) U.S. Application Patent No. 6,731,781 for SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING MICROARRAYS, by virtue of an Assignment to **BioDiscovery, Inc.**, from the inventors thereof, said assignment recorded on December 15, 1999, at Reel 010523, Frame 0014; and
- (2) the above-captioned U.S. Application No. 10/761,938 by virtue of an Assignment to **BioDiscovery, Inc.**, from the inventors thereof executed on December 15, 1999, at Reel 015704, Frame 0721.

TERMINAL DISCLAIMER
U.S. Application Serial No.: 10/761,938
Attorney Docket No. 016472-0311710

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned U.S. Application No. 10/761,938, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,731,781, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/761,938 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,731,781 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/761,938, this agreement to run with any patent granted on U.S. Application No. 10/761,938 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/761,938 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,731,781 in the event said patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a Reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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The undersigned whose signature and title appear below is empowered to act on behalf of Petitioner.

Please charge the \$65.00 fee (Small Entity) for the filing of this Terminal Disclaimer to our Deposit Account No. 033975 (**Reference No. 016472-0311710**). Should this fee calculation be improper, please charge any deficiencies or credit any overpayments to our Deposit Account No. 033975 (**Reference No. 016472-0311710**).

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLC

By: 

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Date: March 29, 2006

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